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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, *et al.*,

Plaintiffs,

v.

WILBUR ROSS, in his official capacity as
secretary of commerce, *et al.*,

Defendants.

Case No. 1:20-cv-00431-DAD-EPG

**STIPULATION AND ORDER
REGARDING INTERVENTION BY
FRIANT WATER AUTHORITY
AND ARVIN-EDISON WATER
STORAGE DISTRICT**

(Doc. Nos. 198, 211)

This stipulation is entered by Plaintiffs Pacific Coast Federation of Fishermen's Associations, Institute for Fisheries Resources, Golden State Salmon Association, Natural Resources Defense Council, Inc., Defendants of Wildlife, and Bay.Org d/b/a The Bay Institute ("Plaintiffs"); Defendants Wilbur Ross in his official capacity as Secretary of Commerce, Chris Oliver in his official capacity as Assistant Administrator for Fisheries at the National Oceanic and Atmospheric Administration, National Marine Fisheries Service, David Bernhardt, in his official capacity as Secretary of Interior, Aurelia Skipwith, in her official capacity as Director of

the U.S. Fish and Wildlife Service, U.S. Fish and Wildlife Service, Brenda Burman, in her official capacity as commissioner of U.S. Bureau of Reclamation, and U.S. Bureau of Reclamation (“Federal Defendants”); Defendants-Intervenors Westlands Water District and San Luis & Delta-Mendota Water Authority (together, “SLDMWA and Westlands”); Defendant-Intervenor State Water Contractors (“SWC”); Defendants-Intervenors Sacramento River Settlement Contractors (“SRS Contractors”);¹ the Defendant-Intervenor Tehama-Colusa Canal Authority (“TCCA”); Defendant-Intervenor Contra Costa Water District; and prospective Intervenor-Defendants Friant Water Authority (“FWA”) and Arvin-Edison Water Storage District (“Arvin-Edison” and together with FWA, the “Friant Intervenors”). The foregoing are collectively referred to herein as the “Parties.”

RECITALS

WHEREAS, Plaintiffs filed the instant action naming only the Federal Defendants as Defendants (*see* ECF No. 1);

WHEREAS, before this case was transferred, the United States District Court for the Northern District of California (“Northern District”) granted San Luis Delta-Mendota Water Authority and Westlands Water District’s motion for permissive intervention, noting that case management issues would be addressed “when they arise” (ECF No. 37 at 3);

WHEREAS, the Northern District granted the SRS Contractors and TCCA permissive intervention, subject to conditions, pursuant to the terms of a stipulation (ECF No. 102);

WHEREAS, the Northern District transferred the case to this Court (ECF No. 112);

WHEREAS, the Court granted the State Water Contractors permissive intervention, subject to specified conditions (ECF No. 122);

¹ The entities comprising the SRS Contractors are identified in the Stipulation and Order Regarding Intervention of the SRS Contractors (ECF No. 102) and the Stipulation and Order Regarding Intervention of City of Redding and Knights Landing Investors, LLC (ECF No. 124).

1 WHEREAS, the Court granted the City of Redding and Knights Landing Investors, LLC
2 permissive intervention as additional Sacramento River Settlement Contractors, subject to
3 specified conditions, pursuant to the terms of a stipulation (ECF No. 124);

4 WHEREAS, the Court granted Contra Costa Water District permissive intervention,
5 subject to specified conditions, pursuant to the terms of a stipulation (ECF No. 171);

6 WHEREAS, on June 22, 2020, the Friant Intervenors filed a motion to intervene as of
7 right, or, in the alternative for permissive intervention (ECF No. 198), asserting that (i) FWA is a
8 public agency formed to operate and maintain the Friant-Kern Canal, a portion of the Central
9 Valley Project (“CVP”), and to represent FWA members in policy, political, and operational
10 decisions that could affect CVP water supplies (*id.* at 3), and, further (ii) FWA’s members,
11 including Arvin-Edison, hold contracts with the United States Bureau of Reclamation for water
12 supply from the CVP (*id.*);

13 WHEREAS, prior to filing their motion to intervene the Friant Intervenors conferred with
14 the Plaintiffs, the Federal Defendants, and all Intervenor-Defendants and only the Plaintiffs
15 stated any opposition to intervention;

16 WHEREAS, on July 7, 2020, Plaintiffs filed a Response to the Friant Intervenors’ motion
17 clarifying that they oppose intervention as of right (ECF No. 205 at 5-8) but do not oppose
18 permissive intervention subject to reasonable conditions on the intervention (*id.* at 8-10);

19 WHEREAS, separate motions to intervene have also been filed by Oakdale Irrigation
20 District and South San Joaquin Irrigation District (ECF No. 177) and the City of Folsom, City of
21 Rosedale, and San Juan Water District (ECF No. 206), both of which motions remain pending;

22 WHEREAS, on July 13, 2020, the Court issued an Order (the “July 13 Order”)
23 addressing page limits and directing parties to meet and confer in an attempt to resolve
24 remaining disputes regarding pending intervention motions (ECF No. 208);

25 WHEREAS, the Court’s July 13 Order states that “whatever page limitation applies to the
26 plaintiffs and defendants at the opening brief stage will likewise apply to all of the intervenors
27 combined” and, further, that “[e]ven within the assigned number of pages, the court will not
28 tolerate duplicative briefing” (ECF No. 208 at 3);

WHEREAS, the Court's July 13 Order instructs the Parties "to attempt to resolve the pending motions to intervene" (ECF No. 208 at 4); and

WHEREAS, to avoid the necessity of further briefing on the Friant Intervenor's motion to intervene, the Parties agree that the FWA and Arvin-Edison should be granted permissive intervention subject to the page limitations and other conditions set forth in the Court's July 13 Order, as well as any additional limitations that the Court may impose now or in the future;

NOW, THEREFORE, it is hereby stipulated by and between the Parties, through their respective counsel, as follows:

1. The Friant Intervenor's shall be granted permissive intervention in this action.
2. The Friant Intervenor's shall promptly file its answer in intervention (ECF No. 198-4).
3. The Friant Intervenor's shall comply with the page and duplication limits set forth in the Court's July 13 Order and any further case management orders the Court may issue.

DATED: July 23, 2020

KAPLAN KIRSCH & ROCKWELL, LLP

By /s/ Matthew G. Adams

MATTHEW G. ADAMS

Attorneys for Prospective Intervenor-Defendants
FRIANT WATER AUTHORITY and ARVIN-
EDISON WATER STORAGE DISTRICT

DATED: July 23, 2020

GLEN H. SPAIN

By /s/ Glen H. Spain

GLEN H. SPAIN

Attorney for Plaintiffs PACIFIC COAST
FEDERATION OF FISHERMEN'S ASSOCIATIONS
and INSTITUTE FOR FISHERIES RESOURCES

DATED: July 23, 2020

ALTSHULER BERZON LLP

By /s/ Barbara J. Chisholm

BARBARA J. CHISHOLM

ELIZABETH VISSERS

Attorneys for Plaintiffs GOLDEN STATE SALMON
ASSOCIATION; NATURAL RESOURCES
DEFENSE COUNCIL, INC.; DEFENDERS OF
WILDLIFE, and BAY.ORG dba THE BAY
INSTITUTE

1 DATED: July 24, 2020

U.S. DEPARTMENT OF JUSTICE

2 By /s/ Lesley Lawrence-Hammer

3 LESLEY LAWRENCE-HAMMER

Attorneys for the FEDERAL DEFENDANTS

4 DATED: July 24, 2020

DOWNEY BRAND LLP

5 By /s/ Meredith Nikkel

6 MEREDITH NIKKEL

7 Attorneys for Intervenor-Defendants
8 RECLAMATION DISTRICT NO. 108, SUTTER
9 MUTUAL WATER COMPANY; NATOMAS
10 CENTRAL MUTUAL WATER COMPANY; RIVER
11 GARDEN FARMS WATER COMPANY;
12 PLEASANT GROVE-VERONA MUTUAL WATER
13 COMPANY; PELGER MUTUAL WATER
14 COMPANY; MERIDIAN FARMS WATER
15 COMPANY; HENRY D. RICHTER, et al.;
16 HOWALD FARMS, INC.; OJI BROTHERS FARM,
17 INC.; OJI FAMILY PARTNERSHIP; CARTER
18 MUTUAL WATER COMPANY; WINDSWEPT
19 LAND AND LIVESTOCK COMPANY;
20 MAXWELL IRRIGATION DISTRICT; BEVERLY
21 F. ANDREOTTI, et al.; TISDALE IRRIGATION
22 AND DRAINAGE COMPANY; PROVIDENT
23 IRRIGATION; DISTRICT; PRINCETON-
24 CODORA-GLENN IRRIGATION DISTRICT and
25 TEHAMA COLUSA CANAL AUTHORITY

26 DATED July 24, 2020

SOMACH SIMMONS & DUNN

27 By: /s/ Brittany Johnson

28 BRITTANY JOHNSON

Attorneys for Defendants-Intervenors GLENN
COLUSA IRRIGATION DISTRICT;
RECLAMATION DISTRICT NO. 104;
CONAWAY PRESERVATION GROUP, LLC;
DAVID AND ALICE the VELDE FAMILY
TRUST; PELGER ROAD 1700, LLC;
ANDERSON- COTTONWOOD IRRIGATION
DISTRICT; CITY OF REDDING; and KNIGHTS
LANDING INVESTORS, LLC

1 DATED: July 23, 2020

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD

2 By: /s/ Daniel J. O'Hanlon

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3 Attorneys for Defendant-Intervenors SAN LUIS &
4 DELTA-MENDOTA WATER AUTHORITY and
5 WESTLANDS WATER DISTRICT

6 DATED: July 23, 2020

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7 By: /s/ Jenna R. Mandell-Rice

JENNA R. MANDELL-RICE

8 Attorneys for Defendant-Intervenors STATE
9 WATER CONTRACTORS

10 DATED: July 24, 2020

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11 By: /s/ Marc R. Bruner

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12 Attorneys for Defendant-Intervenor
13 CONTRA COSTA WATER DISTRICT

14 DATED: July 23, 2020

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15 By: /s/ Jennifer T. Buckman

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16 Attorneys for Proposed Defendant-Intervenors
17 CITY OF FOLSOM, CITY OF ROSEVILLE, and
18 SAN JUAN WATER DISTRICT

19 DATED: July 24, 2020

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20 By: /s/ Timothy J. Wasiewski

TIMOTHY J. WASIEWSKI

21 Attorneys for Proposed Defendant-Intervenor
22 OAKDALE IRRIGATION DISTRICT

23 DATED: July 24, 2020

ROBBINS, BROWNING, GODWIN & MARCHINI

24 By: /s/ Kenneth Robbins

KENNETH ROBBINS

25 Attorneys for Proposed Defendant-Intervenor
26 SOUTH SAN JOAQUIN IRRIGATION
27 DISTRICT
28

ORDER

The Court hereby grants Friant Water Authority and Arvin-Edison Water Storage District permissive intervention according to the terms of the Stipulation (Doc. Nos. 198, 211).

IT IS SO ORDERED.

Dated: **August 5, 2020**


UNITED STATES DISTRICT JUDGE